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HARNESS, DICKEY & PIERCE, P.L.C.			THAI, CANG G	
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3629

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/784,836	Applicant(s) GILLESPIE, SCOTT	
	Examiner Cang G. Thai	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 44-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 44-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is in response to an amendment filed on 10/12/2005 for letter for patent filed on 02/16/2001. Claims 1-38 and 44-50 are pending in the letter.

Status of Claims

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-38 and 44-50 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2002/0178034 (GARDNER ET AL).

The United States Patent and Trademark Office (USPTO) interprets this patent application as an airline travel supplier evaluation market share system for analyzing airline flight information. An evaluation market share system would consist of a computer network that would have a database with storing capacity to store and update the airline schedule data for various airlines. The non-schedule based factors are calculations derived from factors such as sales, supply and policy to evaluate market share. Any updating to the non-schedule based factors due to sales, supply and policy would change the market share scenario for analyzing airline flight information.

As for Claim 1, GARDNER discloses an airline travel supplier evaluation system for analyzing airline flight information in relation to one or more predefined city pairs for a given airline customer, comprising:

a source of airline schedule data from a plurality of airlines for a plurality of city pairs {Page 3, Paragraph [0047], Lines 3-5, wherein this reads over “the database stores data related to OAG flight schedules for all carriers, including service and non-stop/direct flight schedules”};

a memory space for storing the airline schedule data and the predefined city pairs {Page 5, Paragraph [0064], Lines 1-3, wherein this reads over “The reservation booking process is concluded by storing a master reservation record 100 containing all reservation information”};

an airline fair market share module that accesses the airline schedule data and the city pairs, the airline fair market share module being operable to calculate an incremental travel time for each flight record serving a given city pair in relation to the fastest flight serving the given city pair and to determine a fair market share for each airline in relation to each city pair of the city pairs, where the fair market share for a given airline is based in part on the incremental travel time associated with the given airline {Page 3, Paragraph [0045], Lines 1-3, wherein this reads over “Booking channels 24 interface with open and published API's to permit broad access to the reservation services 30”}; and

a scenario market share module that receives non-schedule based factors and adjusts the fair market share for a given airline based on the non-schedule based

factors to determines scenario market share data for each airline in relation to each city pair of the predefined city pairs {Page 8, Paragraph [0108], Lines 4-6, wherein this reads over "Assign reservation seats API 266 will update the trip's seat assignment or any special request response from the Host Reservation System"}.

As for Claim 2, GARDNER discloses the airline travel supplier evaluation system of Claim 1 wherein the airline fair market share module is operable to compute an elapsed time for each flight record serving a given city pair using the flight schedule data, identify a baseline flight record, the baseline flight record having the shortest elapsed travel time from amongst the flight records serving the given city pair; and compute the incremental travel time for each flight record serving the given city pair, where the incremental travel time is the difference between the elapsed travel time of a given flight record and the elapsed travel time for the baseline flight record {Page 8, Paragraph [0108], Lines 4-6, wherein this reads over "Assign reservation seats API 266 will update the trip's seat assignment or any special request response from the Host Reservation System"}.

As for Claim 3, GARDNER discloses the airline travel supplier evaluation system of Claim 1 wherein the airline schedule data further includes aircraft type data for each flight record serving the predefined city pairs, and where the fair market share for a given airline is based on the frequency of operations in the flight records associated with given airline, the aircraft type for each flight record associated with given airline, and the incremental travel time for each flight record associated with the given airline {Page 3, Paragraph [0047], Lines 3-5, wherein this reads over "The database stores data related

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to OAG flight schedules for all carriers, including service and non-stop/direct flight schedules”}.

As for Claim 4, GARDNER discloses the airline travel supplier evaluation system of Claim 1 wherein the non-schedule based factors is at least one of a travel policy factor, the travel policy factor being indicative of the airline customer's ability to shift travelers towards or away from any given airline, a sales level factor, the sales level factor being indicative of an airline's ability to attract the travelers of the given airline customer to the airline a supplier status indicative of an airline customer's preference to have its travelers use the airline is assigned to one or more of the plurality of airlines, or a sales level-supplier status factor is based on the supplier status and a corresponding sales level factor {Page 6, Paragraph [0080], Lines 1-4, wherein this reads over “Customer/corporate profile database 128 integrates traveler preference with corporate travel policy information such that individual booking sessions can be biased to a particular customer/corporation”}.

As for Claim 5, GARDNER discloses the airline travel supplier evaluation system of Claim 1 further comprising a source of projected airline travel data over a predefined time period for the given airline customer; a source of airline purchase data; and an expense-based cost module that accesses the projected airline travel data and the airline purchase data, and determines expected travel expense data for the given airline customer based on the scenario market share data {Page 3, Paragraph [0038], Lines 1-6, wherein this reads over “System core services 22 is configured to operate with a series of databases, including flight schedule availability database 12, published

negotiated fares/rules database 14, customer corporate profiles database 16, master reservations database 18, and revenue summary/detail database 20”).

As for Claim 6, GARDNER discloses the airline travel supplier evaluation system of Claim 5 further comprising a source of pricing data relating to an existing or prospective agreement between the given airline customer and at least one airline, wherein the expense-based cost module further operable to determine expected travel expense data based in part on the pricing data {Page 3, Paragraph [0038], Lines 1-6, wherein this reads over “System core services 22 is configured to operate with a series of databases, including flight schedule availability database 12, published negotiated fares/rules database 14, customer corporate profiles database 16, master reservations database 18, and revenue summary/detail database 20”}.

As for Claim 7, GARDNER discloses the airline travel supplier evaluation system of Claim 1 further comprising a source of projected airline travel data over a predefined time period for the given airline customer; and a time-based cost module that accesses the projected airline travel data, the airline schedule data and the scenario market share data; and determines expected travel time for the given airline customer based on the scenario market share data, the time-based cost module further operable to receive a value for a traveler's time and determine expected travel time cost data based on the traveler's time value data and the expected travel time for the given airline customer {Page 3, Paragraph [0038], Lines 1-6, wherein this reads over “System core services 22 is configured to operate with a series of databases, including flight schedule availability database 12, published negotiated fares/rules database 14, customer corporate profiles

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database 16, master reservations database 18, and revenue summary/detail database 20"}.

As for Claim 8, which has the same limitations as in Claim 1, therefore, they are rejected for the similar reason set for in Claim 1.

As for Claim 9, which has the same limitation as in Claim 2, therefore, they are rejected for the similar reason set for in Claim 2.

As for Claim 10, which has the same limitation as in Claim 3, therefore, they are rejected for the similar reason set for in Claim 3.

As for Claim 11, GARDNER discloses the airline travel supplier evaluation system of Claim 10 wherein the airline fair market share module is operable to calculate an incremental travel time for each flight record serving a given city pair in relation to other flight records serving the given city pair, such that the fair market share data for a given airline is in part based on the incremental travel time for each flight record associated with the given airline {Page 3, Paragraph [0045], Lines 1-3, wherein this reads over "Booking channels 24 interface with open and published API's to permit broad access to the reservation services 30"}.

As for Claim 12, GARDNER discloses the airline travel supplier evaluation system of Claim 8 wherein the non-schedule based factors is at least one of a travel policy factor, the travel policy factor being indicative of an airline customer's ability to shift travelers towards or away from any given airline, a sales level factor, the sales level factor being indicative of an airline's ability to attract the travelers of the given airline customer to the airline, a supplier status indicative of an airline customer's

preference to have its travelers use the airline is assigned to one or more the plurality of airlines, or a sales level-supplier status factor is based on the supplier status and a corresponding sales level factor {Page 6, Paragraph [0080], Lines 1-4, wherein this reads over "Customer/corporate profile database 128 integrates traveler preference with corporate travel policy information such that individual booking sessions can be biased to a particular customer/corporation"}.

As for Claim 13, GARDNER discloses the airline travel supplier evaluation system of Claim 8 further comprising a source of airline purchase data; and an expense-based cost module that accesses the projected airline travel data and the airline purchase data, and determines expected travel expense data for the given airline customer based on the scenario market share data {Page 3, Paragraph [0039], Lines 8-9, wherein this reads over "reservation services 30 provides centralized and integrated marketing at the point of sale"}.

As for Claim 14, GARDNER discloses the airline travel supplier evaluation system of Claim 13 further comprising a total travel cost module that receives the expected travel time cost data from the time-based cost module and the expected travel expense data from the expense-based cost module, and determines a total travel cost for the given airline customer {Page 3, Paragraph [0039], Lines 5-8, wherein this reads over "Booking channels 24 receive booking information from customers and connects by open application programming interfaces ("APIs") to reservation services 30"}.

As for Claim 15, GARDNER discloses the airline travel supplier evaluation system of Claim 13 further data relating to an existing or prospective comprising a

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source of pricing agreement between the given airline customer and at least one airline, wherein the expense-based cost module further operable to determine expected travel expense data based in part on the pricing data {Page 8, Paragraph [0104], Lines 2-4, wherein this reads over "pricing services driver 180 can determine if any unpublished agreements correspond to the fares of the selected pricing entity"}.

As for Claim 16, which has the same limitation as in Claims 1,8 and 13, respectively, therefore, they are rejected for the similar reason set for in Claim 1, 8, and 13, respectively.

As for Claim 17, which has the same limitation as in Claim 9, therefore, they are rejected for the similar reason set for in Claim 9.

As for Claim 18, which has the same limitation as in Claim 11, therefore, they are rejected for the similar reason set for in Claim 11.

As for Claim 19, which has the same limitation as in Claim 8, therefore, they are rejected for the similar reason set for in Claim 8.

As for Claim 20, which has the same limitation as in Claim 12, therefore, they are rejected for the similar reason set for in Claim 12.

As for Claim 21, which has the same limitation as in Claim 15, therefore, they are rejected for the similar reason set for in Claim 15.

As for Claim 22, which has the same limitation as in Claim 14, therefore, they are rejected for the similar reason set for in Claim 14.

As for Claim 23, GARDNER discloses a computer-implemented method for determining a fair market share for a given airline in relation to a given city pair, comprising:

providing airline schedule data for each flight serving the given city pair, the airline schedule data including aircraft type data {Page 3, Paragraph [0047], Lines 3-5, wherein this reads over “the database stores data related to OAG flight schedules for all carriers, including service and non-stop/direct flight schedules”};

determining an incremental travel time for each flight serving the city pair using the airline schedule data {Page 5, Paragraph [0064], Lines 1-3, wherein this reads over “The reservation booking process is concluded by storing a master reservation record 100 containing all reservation information”}; and

determining a fair market share for the given airline by executing a software-implemented application on a computing device, the fair market share based on the frequency of flights serving the given city for the given airline, the aircraft type for each flight associated with the given airline, and the incremental travel time of each flight associated with the given airline {Page 8, Paragraph [0108], Lines 4-6, wherein this reads over “Assign reservation seats API 266 will update the trip's seat assignment or any special request response from the Host Reservation System”}.

As for Claim 24, GARDNER discloses the computer-implemented method of Claim 23 wherein the airline schedule data further defined as a plurality of flight records for the given city pair, such that each flight record is indicative of one or more flights that serve the given city pair and include a record identifier, an airline identifier, a frequency

of the flights over a predefined time period, and detail flight schedule data for each flight comprising the flight record {Page 8, Paragraph [0108], Lines 4-6, wherein this reads over "Assign reservation seats API 266 will update the trip's seat assignment or any special request response from the Host Reservation System"}.

As for Claim 25, GARDNER discloses the computer-implemented method of Claim 24 wherein the step of determining incremental travel time further comprises the steps of:

computing an elapsed travel time for each flight record {Page 3, Paragraph [0047], Lines 1-3, wherein this reads over "Flight availability system 44 includes a computing system configured to operate with and access a database"};

identifying a baseline flight record, the baseline flight record having the shortest elapsed travel time from amongst the flight records serving the given city pair {Page 3, Paragraph [0047], Lines 1-3, wherein this reads over "Flight availability system 44 includes a computing system configured to operate with and access a database"}; and

computing an incremental travel time for each flight record, where the incremental travel time is the difference between the elapsed travel time of a given flight record and the elapsed travel time for the baseline flight record {Page 3, Paragraph [0047], Lines 1-3, wherein this reads over "Flight availability system 44 includes a computing system configured to operate with and access a database"}.

As for Claim 26, GARDNER discloses the computer-implemented method of Claim 25 wherein the step of determining a fair market share further comprises the steps of:

determining an aircraft type Weighting factor for each flight record {Page 6, Paragraph [0087], Lines 12-14, wherein this reads over "Traveler Preference includes airline choice, class of service, equipment type, and a number of other coded preference types"};

determining an incremental travel time weighting factor for each flight record {Page 6, Paragraph [0087], Lines 12-14, wherein this reads over "Traveler Preference includes airline choice, class of service, equipment type, and a number of other coded preference types"};

determining a pull value for each flight record, where the pull value is computed by multiplying the frequency associated with the flight record with the aircraft type weighting factor and with the incremental travel time weighting factor {Page 3, Paragraph [0047], Lines 1-3, wherein this reads over "Flight availability system 44 includes a computing system configured to operate with and access a database"}; and

determining a ratio between a sum of the pull values for each of the flight records associated with the given airline and a total sum of the pull values for the plurality of flight records, thereby yielding the fair market share for the given airline {Page 3, Paragraph [0047], Lines 1-3, wherein this reads over "Flight availability system 44 includes a computing system configured to operate with and access a database"}.

As for Claim 27, which has the same limitations as in claim 23, therefore, it is rejected for the similar reason set forth in claim 23.

As for Claim 28, which has the same limitations as in claim 24, therefore, it is rejected for the similar reason set forth in claim 24.

As for Claim 29, which has the same limitation as in Claim 26, therefore, they are rejected for the similar reason set for in Claim 26.

As for Claim 30, which has the same limitation as in Claim 23, therefore, they are rejected for the similar reason set for in Claim 23.

As for Claim 31, GARDNER discloses the computer-implemented method of Claim 30 further comprises the steps of:

determining a second travel policy factor for the given airline customer {Page 3, Paragraph [0048], Lines 6-8, wherein this reads over "there is a travel policy compliance reporting capability that uses a database that includes information specific to each corporate entity"}; and

deriving the scenario market share for the given airline in relation to the given city pair from the fair market share for the given airline in part based on the second travel policy factor {Page 3, Paragraph [0048], Lines 9-13, wherein this reads over "the database includes supplier preferences data (i.e. negotiated arrangements), classification/class of service verification, preferred forms of payment and internal billing codes, fare types and service levels for low fare requirements, and other corporation/customer preference information"}.

As for Claim 32, GARDNER discloses the computer-implemented method of Claim 30 further comprising the step of determining a sales level factor for one or more of the plurality of airlines, the sales level factor being indicative of an airline's ability to attract the travelers of an airline customer to the airline, such that the scenario market share for the given airline is in part based on the sales level factor associated with the

given airline {Page 3, Paragraph [0048], Lines 9-13, wherein this reads over “the database includes supplier preferences data (i.e. negotiated arrangements), classification/class of service verification, preferred forms of payment and internal billing codes, fare types and service levels for low fare requirements, and other corporation/customer preference information”}.

As for Claim 33, GARDNER discloses the computer-implemented method of Claim 31 further comprising the steps of

assigning a supplier status for one or more of the plurality of airlines, the supplier status being indicative of an airline customer's preference of having its travelers use the airline {Page 3, Paragraph [0047], Lines 3-5, wherein this reads over “the database stores data related to OAG flight schedules for all carriers, including service and non-stop/direct flight schedules”}; and

determining a sales level-supplier status factor for the given airline, where the sales level-supplier status factor is based on the supplier status and the corresponding sales level factor for the given airlines, such that the scenario market share for the given airline is in part based on the sales level-supplier status factor associated with the given airline {Page 3, Paragraph [0048], Lines 9-13, wherein this reads over “the database includes supplier preferences data (i.e. negotiated arrangements), classification/class of service verification, preferred forms of payment and internal billing codes, fare types and service levels for low fare requirements, and other corporation/customer preference information”}.

As for Claim 34, GARDNER discloses a computer-implemented method for determining a scenario market share for a given airline selected from a plurality of airlines, comprising;

providing a fair market share for the given airline in relation to a given city pair, such that the fair market share is based on schedule-based factors associated with the flights serving the given city pair { Page 3, Paragraph [0047], Lines 1-3, wherein this reads over "Flight availability system 44 includes a computing system configured to operate with and access a database"};

determining a sales level factor for one or more of the plurality of airlines, the sales level factor being indicative of an airline's ability to shift the travelers of an airline customer to the airline {Page 3, Paragraph [0048], Lines 9-13, wherein this reads over "the database includes supplier preferences data (i.e. negotiated arrangements), classification/class of service verification, preferred forms of payment and internal billing codes, fare types and service levels for low fare requirements, and other corporation/customer preference information"}; and

deriving the scenario market share for the given airline from the fair market share for the given airline in part based on the sales level factor associated with the given airline by an executing a software-implemented application on a computing device {Page 8, Paragraph [0108], Lines 4-6, wherein this reads over "Assign reservation seats API 266 will update the trip's seat assignment or any special request response from the Host Reservation System"}.

As for Claim 35, GARDNER discloses the computer-implemented method of Claim 34 further comprising the steps of:

determining a second sales level factor for each of the plurality of airlines {Page 3, Paragraph [0048], Lines 9-13, wherein this reads over “the database includes supplier preferences data (i.e. negotiated arrangements), classification/class of service verification, preferred forms of payment and internal billing codes, fare types and service levels for low fare requirements, and other corporation/customer preference information”}; and

determining the scenario market share for the given airline by adjusting the fair market share for the given airline in part based on the second sales level factor associated with the given airline {Page 3, Paragraph [0048], Lines 9-13, wherein this reads over “the database includes supplier preferences data (i.e. negotiated arrangements), classification/class of service verification, preferred forms of payment and internal billing codes, fare types and service levels for low fare requirements, and other corporation/customer preference information”}.

As for Claim 36, GARDNER discloses the computer-implemented method of Claim 34 further comprising the steps of:

assigning a supplier status for each of the plurality of airlines, the supplier status being indicative of an airline customer's preference of having its travelers use the airline {Page 3, Paragraph [0047], Lines 3-5, wherein this reads over “the database stores data related to OAG flight schedules for all carriers, including service and non-stop/direct flight schedules”};

determining a sales level-supplier status factor for the given airline, where the sales level-supplier status factor is based on the supplier status and the corresponding sales level factor for the given airline {Page 3, Paragraph [0048], Lines 9-13, wherein this reads over “the database includes supplier preferences data (i.e. negotiated arrangements), classification/class of service verification, preferred forms of payment and internal billing codes, fare types and service levels for low fare requirements, and other corporation/customer preference information”}; and

deriving the scenario market share for the given airline from the fair market share for the given airline in part based on the sales level-supplier status factor associated with the given airline {Page 8, Paragraph [0108], Lines 4-6, wherein this reads over “Assign reservation seats API 266 will update the trip's seat assignment or any special request response from the Host Reservation System”}.

As for Claim 37, GARDNER discloses the computer-implemented method of Claim 34 further comprising the step of determining a travel policy factor for a given airline customer, the travel policy factor being indicative of an airline customer's ability to shift travelers towards or away from any given airline, where the scenario market share for the given airline is in part based on the travel policy factor {Page 3, Paragraph [0048], Lines 6-8, wherein this reads over “there is a travel policy compliance reporting capability that uses a database that includes information specific to each corporate entity”}.

As for Claim 38, which has the same limitations as in claim 27, therefore, it is rejected for the similar reasons set forth in claim 27.

As for Claim 44, GARDNER discloses a method for defining an airline pricing agreement between an airline customer and a given airline, comprising:

identifying one or more city pairs which are used by travelers of the airline customer, the city pairs being serviced by the given airline {Page 3, Paragraph [0047], Lines 3-5, wherein this reads over "The database stores data related to OAG flight schedules for all carriers, including service and non-stop/direct flight schedules"};

determining a fair market share for the given airline in relation to at least one of the city pairs, such that the fair market share is based on schedule-based factors associated with the flights serving the city pair {Page 3, Paragraph [0045], Lines 1-3, wherein this reads over "Booking channels 24 interface with open and published API's to permit broad access to the reservation services 30"};

determining a scenario market share for the given airline in relation to the at least one city pair by executing a software-implemented application on a computing device, such that the scenario market share is based on non-schedule-based factors {Page 8, Paragraph [0108], Lines 4-6, wherein this reads over "Assign reservation seats API 266 will update the trip's seat assignment or any special request response from the Host Reservation System"}; and

using at least one of the fair market share or the scenario market share as a basis for a pricing agreement between the airline customer and the given airline {Page 8, Paragraph [0104], Lines 2-4, wherein this reads over "pricing services driver 180 can determine if any unpublished agreements correspond to the fares of the selected pricing entity"}.

As for Claim 45, GARDNER discloses the method of Claim 44 wherein the step of using at least one of the fair market share and the scenario market share further comprises defining a pricing arrangement in connection with a volume of the customer's airline travel during a predefined time period, where the volume corresponds to the at least one of the fair market share or the scenario market share for the given airline during the predefined time period {Page 3, Paragraph [0046], Lines 3-6, wherein this reads over "The subcomponents include flight availability system 44, customer/corporate profiles 48, session context management 50, pricing system 46, traveler correspondence system 52, and master reservation management system 54"}.

As for Claim 46, GARDNER discloses the method of Claim 45 further comprising specifying a minimum or a predefined range of deviation from the at least one of the fair market share or the scenario market share for the volume of travelers from the airline customer {Page 3, Paragraph [0048], Lines 9-13, wherein this reads over "the database includes supplier preferences data (i.e. negotiated arrangements), classification/class of service verification, preferred forms of payment and internal billing codes, fare types and service levels for low fare requirements, and other corporation/customer preference information"}.

As for Claim 47, which has the same limitations as in claim 8, therefore, it is rejected for the similar reasons set forth in claim 8.

As for Claim 48, which has the same limitations as in claim 12, therefore, it is rejected for the similar reasons set forth in claim 12.

As for Claim 49, which has the same limitations as in claim 14, therefore, it is rejected for the similar reasons set forth in claim 14.

As for Claim 50, GARDNER discloses the airline travel supplier evaluation system of Claim 47 wherein the non-schedule based factors is further defined as a supplier status indicative of an airline customer's preference to have its travelers use the airline is assigned to one or more the plurality of airlines {Page 6, Paragraph [0080], Lines 1-4, wherein this reads over "Customer/corporate profile database 128 integrates traveler preference with corporate travel policy information such that individual booking sessions can be biased to a particular customer/corporation"}.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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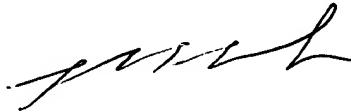
No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (571) 272-6499. The examiner can normally be reached on 6:30 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CGT
02/27/2006



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600